

**Filed 5/17/05 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2005 ND 89

State of North Dakota,

Plaintiff and Appellee

v.

Troy Olsen,

Defendant and Appellant

No. 20040202

Troy Olsen,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20050040

Appeals from the District Court of Burleigh County, South Central Judicial District, the Honorable Sonna M. Anderson, Judge.

AFFIRMED.

Per Curiam.

Kent M. Morrow, P.O. Box 2155, Bismarck, N.D. 58502-2155, for defendant, petitioner, and appellant; submitted on brief.

Lloyd C. Suhr, Assistant State's Attorney, 514 E. Thayer Avenue, Bismarck, N.D. 58501, for plaintiff, respondent, and appellee; submitted on brief.

State v. Olsen; Olsen v. State
Nos. 20040202 & 20050040

Per Curiam.

[¶1] Troy Olsen appeals from a criminal judgment entered upon a jury verdict finding him guilty of one count each of burglary, aggravated assault, and simple assault. Olsen argues the trial court committed obvious error when it did not include the definition of “license” or “privilege” in the jury instructions, and argues there was not sufficient evidence to convict him of burglary. Olsen also appeals from the trial court’s order denying his petition for post-conviction relief. Olsen argues he was denied effective assistance of counsel because his attorney failed to call corroborating witnesses. We summarily affirm the criminal judgment and order denying post-conviction relief under N.D.R.App.P. 35.1(a)(2) and (3).

[¶2] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
Carol Ronning Kapsner
Dale V. Sandstrom